

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MARCOS A. MANUEL,

Plaintiff,

v.

KRISTI MCGOWAN, JEFFREY
UTTECHT, LIZA ROHRER, NACY
DAVIES, BERNARD WARNER, and
DAN PACHOLKE,

Defendants.

NO: 12-CV-5108-TOR

ORDER DENYING MOTION FOR
CLASS CERTIFICATION

BEFORE THE COURT is Plaintiff's Motion for Class Certification, ECF No. 9. Plaintiff, a prisoner at the Coyote Ridge Corrections Center, is proceeding *pro se* and *in forma pauperis*. Defendants have not been served. It appears from Plaintiff's single page motion, and supporting affidavits from three other inmates at the Coyote Ridge Corrections Center with ICE (Immigration and Customs Enforcement) detainers lodged against them, that Plaintiff is attempting to certify a plaintiff class.

As a *pro se* plaintiff, however, Mr. Manuel cannot "fairly and adequately protect the interests of the class," as required by Fed. R. Civ. P. 23(a)(4). *See*

1 *Oxendine v. Williams*, 509 F.2d 1405, 1407 (4th Cir. 1975) (per curium) (plain
2 error to permit imprisoned litigant, unassisted by counsel, to represent fellow
3 inmates in a class action). Although a non-attorney may appear *pro se* on behalf of
4 himself, he has no authority to appear as an attorney for others. *C.E. Pope Equity*
5 *Trust v. United States*, 818 F.2d 696, 697 (9th Cir. 1987). Also, “[e]very court that
6 has considered the issue has held that a prisoner proceeding *pro se* is inadequate to
7 represent the interests of his fellow inmates in a class action.” *Caputo v. Fauver*,
8 800 F. Supp. 168, 170 (D.N.J. 1992) *aff’d without op.*, 995 F.2d 216 (3rd Cir.
9 1993). Plaintiff is not qualified to pursue the claims on behalf of other inmates or
10 to protect their interests. Therefore, Plaintiff’s Motion for Class Certification, ECF
11 No. 9, is **DENIED**.

12 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
13 Order and forward a copy to Plaintiff.

14 **DATED** this 9th day of January 2013.

15
16 s/ Thomas O. Rice
THOMAS O. RICE
17 United States District Judge
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